

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-40068-GAO

M. WILLIAM POTTS, III,
Petitioner,

v.

DAVID L. WINN,
Respondent.

ORDER

November 9, 2004

O'TOOLE, D.J.

By the declaration of Patrick W. Ward, the respondent has represented to the Court that, consistent with the decision in Goldings v. Winn, 383 F.3d 17 (1st Cir. 2004), the petitioner is currently be evaluated for community corrections center placement without regard to the 10% policy adopted in December 2002 but invalidated by Goldings. To the extent that this relief now being voluntarily provided was sought by the petition, the petition is moot. To the extent the petition sought further relief – in particular, an order directing the respondent to place the petitioner in a community corrections center for the last six months of his sentence – the petition is denied.

DATE

November 9, 2004

DISTRICT JUDGE

[Signature]